

B. F. CLAYTON.

FEBRUARY 22, 1889.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. CHIPMAN, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 9455.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9455) granting an increase of pension to Benjamin F. Clayton, have considered the same and report as follows:

The claimant, soon after the breaking out of the rebellion, opened a recruiting office in the city of New York under Col. A. J. H. Duganne, who had authority under Governor Morgan to raise troops under the call for 75,000 troops. He served as a recruiting officer, doing valuable service until, on January 20, 1862, he was mustered into the United States service as captain of Company F, One hundred and second Regiment New York Volunteers. At Cedar Mountain, Virginia, August 9, 1862, while leading his men forward to check the advancing columns of the enemy, he was severely wounded and taken prisoner. The records show that he was confined by the enemy in prison and under treatment in hospital until he was paroled at Aiken's Landing, October 6, 1862, and admitted to Chesapeake Hospital at Fortress Monroe, Va., October 10, 1862, with gunshot wound of the left shoulder. In January, 1863, he returned to his company, although severely disabled, and remained in command until the last of June, 1863, when he was sent to General Hospital at Washington, D. C., having in May, 1863, participated in the battle of Chancellorsville, and been under fire at Fredericksburgh, Va.

He was under treatment for his wounds in June and July, 1863, and on July 25, 1863, was transferred to the Veteran Reserve Corps, being commissioned as captain therein on that date. His resignation from the Veteran Reserve Corps was accepted for disability December 10, 1864.

The record describing the wound states that the "bullet passed into the cavity of the chest, wounding the upper lobe of the left lung, and lodging beneath the scapula, where it remains at present."

Captain Clayton was brevetted major for gallantry at the battle of Cedar Mountain; brevetted lieutenant-colonel for gallantry at the battle of Chancellorsville, and was brevetted colonel for long and meritorious service at the close of the war.

The following certificates of his brother officers indicate the nature of his services; they are annexed and marked: "A," Col. J. O. Lane, commanding the One hundred and second Regiment; "B," Lieut. Col. Robert Avery, of the same regiment, now of U. S. Army, retired; "C," Maj. Lewis R. Stegman, of the same regiment; and "D," First Lieutenant and Adjutant Francis M. Crafts, of the same regiment,

In 1865 the claimant applied for pension, and the medical examination by the pension examining surgeon showing him totally disabled, he was pensioned at the rate of \$20 per month for the gunshot wound of the chest, the highest rating then allowed for his rank. His pension has remained at that rating ever since. The extraordinary and desperate character of his wounds has left this officer in a condition of disability both severe and unusual. From the certificates before the committee of eminent physicians of undoubted personal and professional standing the case appears as follows:

There is a double gunshot wound of shoulder and chest (two bullets entering at the same spot, or one split in two at the moment of entering through the collar-bone), one piece or bullet glancing down in the thorax and lodging in the pleura, between the third and fourth ribs, over the heart, the other passing inward, cutting off the main nerve of the left arm, injuring the wind-pipe, and lodging against the shoulder-blade at the upper and outer angle, thus making a double wound. Both bullets or pieces remain lodged at the points indicated. The nerves and muscles of the left side of throat and left arm are partially paralyzed, so that any attempt at lifting or violent exercise produces internal hemorrhage, and any extended use of the vocal powers is impossible. The left lung is partially hepatized, and he is totally incapacitated for performing manual labor.

Captain Clayton was educated for the practice of law, but was compelled by his physical condition to abandon it and adopt the profession of editor, but he has found his wounds to greatly interfere with his occupation. Dr. J. H. Girdner, of New York, who has had the officer under his care as patient since 1881, makes oath to the following statement as to the location of the bullets and effects of their presence:

October 7, 1881, he was examined medically, and by the aid of the induction balance there was found a bullet located over the precordial space, causing the chest wall to bulge forward and outward. The bullet is evidently encysted in the costal pleura over the heart. In January, 1887, at which time I examined him again with the induction balance, I again located the bullet as before. In February or March, 1887, I made another examination of patient, and found with the induction balance and telephonic probe a second bullet (or some metallic mass) underneath the scapula on the left side and in a direct line from point of entrance of the bullet which wounded patient at the battle of Cedar Mountain. A few days after this last examination an attempt was made to remove this last bullet by an operation, but it failed, as the bullet is under the scapula, and that bone required trephining in order to remove bullet, and for several reasons it was thought best not to continue operation at that time. This bullet, by its destruction of the nerves supplying the arm in its passage, and doubtless by its presence, causes partial paralysis of the left arm, and in this way, in my opinion, unfits patient for manual labor at all times.

Attention is called here to the statement of Prof. Alexander Graham Bell, the electrician, whose invention was used in locating the bullet and who conducted the first experiment referred to by Dr. Girdner, which will be found in a pamphlet, published by Professor Bell, describing the use of the instrument (pages 38, 39, and 40). A board of five pension surgeons, on December 11, 1872, at New York City, examined the officer, and state as follows:

Fracture of sternal, end of left clavical, with wound of apex of left lung; top of lung bound down by adhesions, giving dullness on percussion and absence of respiratory murmur. A deep adherent cicatrix just above clavicle at point of wound.

Dr. Clarence C. Rice, of New York, specialist and lecturer at the Post-Graduate Medical School on Diseases of the Throat and Lungs, in an affidavit made December 6, 1887, says:

I have examined applicant twice, and find the following conditions present: Paralysis of the left side of the tongue, soft palate, and the muscles of the back of the

mouth; this is caused by the injury of the pneumogastric nerve at the point of entrance of the bullet, at the upper part of the chest on left side; paralysis of muscles in back part of mouth causes the difficulty in swallowing which the applicant suffers from. The injury done by the bullet to the upper part of the left lung and to bronchial tubes on left side shows itself in the following condition: (1) Consolidation of the area about the gunshot wound, which renders that part of the lung of little value; (2) pressure on the large bronchial tubes on the left side of this inflammatory consolidation, and consequent diminution of the size of the bronchial tubes, so that a smaller quantity of air is admitted to the left lung. All these conditions produce a chronic bronchitis and inflammation of the throat. The presence of the bullet still produces irritation, shown in impaired respiration, palpitation of the heart, cough, and expectoration of bloody mucus.

The certificate of Dr. B. G. Clark, of New York, the family physician of the applicant, confirms the presence of "paralysis in the muscles of the throat and also of hemorrhage and inflammation, as result of the wound, and that any manual labor attempted would bring on fresh hemorrhage, and that he is entirely disabled for performing manual labor."

Dr. Clarence E. Beebe, specialist in throat and lung diseases at the New York Ophthalmic Hospital, in an affidavit made April 19, 1887, also confirms the "paralysis of the throat, palatal arches, and epiglottis;" also states there "was injury to the trachea by the bullet, with probable implication of recurrent laryngeal nerve, causing the paralysis and chronic irritation."

The wound for which pension has been granted was the chest wound only, without its severe sequences which followed, the double character not being known then. The general laws are inadequate to furnish relief by increase for this case. The disabilities are much more severe than an amputation of the arm at the shoulder-joint, and as the wound under the clavicle has never been in the rating your committee think that relief should be granted. Had this officer been retired at the close of the war he would have been entitled to \$112.50 per month as a retired officer had he availed himself of the statute applying to such officers.

Lieut. Col. Robert Avery, of his regiment and next above him in rank, under this law (passed during the war) was appointed into the regular service and immediately retired as of the same rank he held when wounded; that is, lieutenant-colonel of volunteers.

Your committee believe this to be so extraordinary and exceptional a case that the passage of the bill is recommended by adding to the bill, as it now reads, the words "in lieu of the pension he is now receiving," and by amending it by inserting "forty-five" before the word "dollars" in the seventh line, and by striking out "and fifty cents" in the eighth line.

A.

CERTIFICATE OF COL. JAMES C. LANE.

NEW YORK, *April 3, 1888.*

I hereby certify that Capt. Benjamin F. Clayton, in command of Company F, of the One hundred and second Regiment New York Volunteers, led his command at the battle of Cedar Mountain on the 9th day of August, 1862. In this engagement he was severely wounded (supposed at the time to be mortally wounded), having received a minie-ball in the breast. He was taken from the field on the retiring of the regiment, by the enlisted men of his regiment, and assisted by the major commanding and other officers during our retreat toward Culpeper.

On August 10 he was removed to the hospital at Culpeper, Va. After a careful examination of the wound by the surgeon in charge, he reported that Captain Clayton had received a mortal wound, and that he might possibly live a week.

A few days afterwards the Union forces were ordered back toward Washington, and in the emergency of a necessarily rapid movement were compelled to leave the severely wounded at the Culpeper Hospital at the mercy of the Confederates, who, in course of time, removed the convalescent to Libby Prison, at Richmond, Va. Capt. B. F. Clayton was removed with the other prisoners to Libby, where he remained until exchanged. Captain Clayton rejoined his regiment in the following January (1863), and participated in the subsequent campaigns of his command, including that of Chancellorsville, in which he took an active and very creditable part during the three days' fight, taking prisoner a Confederate officer on the field.

Captain Clayton joined in the march to Gettysburgh, but his wounds (still unhealed) so disabled him and reduced his strength that he was unable to march, and was ordered to Washington by General Slocum, commanding, for treatment. After that he was transferred to the Veteran Reserve Corps, and I saw no more of him until the closing of the war.

JAS. C. LANE,
Late Major Commanding, Lieutenant-Colonel Commanding,
Colonel Commanding, One hundred and second Regiment,
New York Veteran Volunteers.

B.

CERTIFICATE OF LIEUT. COL. ROBERT AVERY.

98 SECOND PLACE,
Brooklyn, N. Y., April 9, 1888.

To the Congress of the United States:

Bvt. Col. Benjamin F. Clayton, formerly captain Company I, One hundred and second Regiment New York Volunteers (war of the rebellion), an officer whose intelligence, energy, zeal, patriotism, and courage were second to none, is an applicant for increase of pension on account of wounds which have for more than twenty-five years disabled him from active business pursuits and caused him almost intolerable pain. The United States can not do too much for Colonel Clayton.

I am, with high respect,

ROBT. AVERY,
Lieut. Col., U. S. Army (retired), Late Bvt. Maj. Gen., U. S. Volunteers.

C.

CERTIFICATE OF MAJ. LEWIS R. STEGMAN.

Together with Capt. Benjamin F. Clayton, I joined the One hundred and second New York State Volunteers in 1861, Captain Clayton having command of Company F and the undersigned of Company C; that, as officers of the same regiment, they were thrown into constant association together, and served through the same campaigns and battles up to the summer of 1863.

That in March, 1862, their regiment was ordered to the front, their service extending to Langley, Dranesville, Aquia Creek, Virginia, and in defense of Harper's Ferry, May, 1862; that, with Banks's *corps d'armée*, of which they were part, they pursued and skirmished with the forces of "Stonewall" Jackson; that they actively campaigned until August 9, 1862, when, at the battle of Cedar Mountain, Va., Captain Clayton received a gunshot wound in the left breast, above the heart, which disabled him for some months. When he felt able to return, after having been a prisoner in the hands of the enemy at Culpeper, Va., having been abandoned by our troops on account of his precarious condition and inability to move, he at once entered upon active duty again, participating in the movements of his corps to Fairfax Station, Occoquan Shoals, Dumfries, Stafford Court-House, and Aquia Creek. In the terrible campaign of Chancellorsville, from April into May, including the battle of three days, Captain Clayton's constitution gave way. The haggard wounds on his person, from which the balls had never been extracted, broke up a splendid physique. With the suffering from his wounds, the hardships of the march, and the want of proper nourishment and care, the captain was finally compelled to ask for a transfer to the Veteran Reserve Corps, in which corps he afterwards served.

The undersigned lay beside Captain Clayton at Culpeper after his wounding, and knows of his own personal knowledge of the awful agony endured then. He has met him frequently in the years since the war, and the lines of constant suffering are always apparent.

In active service, no more competent, reliable, daring, and courageous officer ever drew a sword than Captain Clayton, and his countrymen can not confer too much honor upon such a man.

Respectfully,

LEWIS R. STEGMAN,

Late Major One hundred and second New York Volunteers, Bvt. Col. U. S. Vols.

D.

CERTIFICATE OF ADJUTANT FRANCIS M. CRAFTS.

BROOKLYN, March 22, 1888.

This is to certify that Capt. Benjamin F. Clayton entered the battle of Cedar Mountain on the 9th day of August, 1862, in command of Company F, One hundred and second Regiment New York Volunteers. In this engagement he fell severely (then supposed mortally) wounded, having received a minie-ball in the breast. On the following day, August 10, he was removed to hospital at Culpeper, Va. Here the surgeon, after making a careful examination, reported that Captain Clayton had received a mortal wound, and that he might live three days, but not more than a week. A few days subsequent to this battle the Union forces found it necessary to fall back in order to protect the Capitol at Washington. In making this move they were compelled to leave all the severely wounded at the mercy of the Confederates, who, in course of time, removed them to Libby Prison at Richmond, Va. Captain Clayton was removed with other prisoners to Libby, where he remained for many weeks; but finally being exchanged he joined his regiment the following January, though the wound in his breast was still unhealed and often bleeding.

The following May he took part in the battle of Chancellorsville, where he distinguished himself for bravery, disarming a rebel officer, taking his sword and revolver, and making the officer a prisoner. During this engagement, as well as through the entire Chancellorsville campaign, he suffered great pain from the still open wound in his breast, and it was against the earnest request of the colonel commanding that he continued to the end.

Again he started on the campaign that ended in the battle of Gettysburgh, but his wound still remaining open and discharging, he became too weak to remain with his regiment, and the colonel commanding, seeing that he was broken down in health and suffering constantly with pain, ordered him sent to hospital. From this he did not return to the regiment.

Since the close of the war I have frequently seen him, and always found him suffering from the effects of this wound. He has always complained that the bullet was giving him much trouble, and often a good deal of pain and anguish. By the governor of the State of New York he was brevetted major, for gallantry at the battle of Cedar Mountain, and lieutenant-colonel for gallantry and bravery at the battle of Chancellorsville.

FRANCIS M. CRAFTS,

Late Adjutant and Brevet Colonel,

One hundred and second Regiment New York Volunteers.



